

**EMERGENCY ORDINANCE TO IMPOSE A MORATORIUM ON
NEW RESIDENTIAL DEVELOPMENT IN THE
DOWNTOWN-GENERAL COMMERCIAL DISTRICT (DT-GC) ^ DT-CMU**

CITY OF WOODSTOCK, GEORGIA

WHEREAS, the City of Woodstock (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; and

WHEREAS, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly;¹ and

WHEREAS, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto;² and

¹ Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly.

² O.C.G.A. '36-35-3(a) provides as follows:

(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.

WHEREAS, the City of Woodstock Comprehensive Town Plan 2030 was adopted by City Council in 2008; and

WHEREAS, the City of Woodstock Comprehensive Town Plan 2030 envisions Downtown Woodstock comprised of both Urban Village and Urban Core character areas; and

WHEREAS, the Urban Village character area serves as a transition between the Urban Core and less intense residential areas, serving as an “in-town city neighborhood” consisting of a higher density mix of uses; and

WHEREAS, the Urban Core character area represents the heart of downtown Woodstock, promoting the highest density and widest range of mixed uses to promote a strong civic and economic center in the City of Woodstock; and

WHEREAS, the City of Woodstock City Council adopted the Downtown Master Plan, “Downtown District,” in 2005, codifying and implementing the vision set forth for Downtown Woodstock; and

WHEREAS, the City Council determined the Downtown District should encourage a balanced mix of retail, professional, residential, civic, entertainment, and cultural uses; and

WHEREAS, The Downtown – General Commercial District (DT-GC) ^{DT-CMU} permits a mix of uses that are a scale and character compatible with regional serving and highway-oriented developments; and

WHEREAS, it is the purpose of this Emergency Ordinance to regulate residential developments proposed for the DT-GC ^{DT-CMU} District to promote the health, safety, morale and general welfare of the citizens of the City and to establish reasonable and uniform regulations to encourage a mix of uses within the DT-GC ^{DT-CMU} District as intended by the City of Woodstock Comprehensive Town Plan 2030 and Downtown Master Plan, “Downtown District,” adopted by City Council; discouraging the proliferation of homogenous development and unfettered spread of exclusively residential development to the detriment of the urban character set forth for Downtown Woodstock; and

WHEREAS, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

WHEREAS, an emergency exists as to the lack of concise controls over the regulation of mixed uses in the DT-GC ^{DT-CMU} District in the ordinances of the City; and

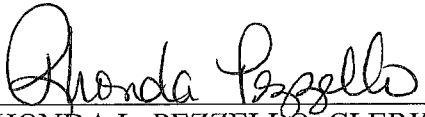
WHEREAS, the Mayor and City Council of the City are concerned that the life, safety and well being of the citizens of the City could be negatively impacted thereby; and


NOW THEREFORE, the Mayor and the City Council of the City of Woodstock hereby ordains that a temporary moratorium is imposed on the acceptance of residential building permit

**DT-CMU*
applications, residential plan review applications, and the issuance of residential building permits within the DT-GC District in the City of Woodstock, Georgia. No residential site or residential construction plans shall be accepted by the staff of the City for approval for residential developments proposed within the DT-GC District from this date forth until August 14, 2016. It is anticipated that this moratorium shall last until August 14, 2016, but it is subject to change by the Mayor and City Council. During the time this moratorium is in place the City staff is hereby directed to review the City's ordinances with respect to DT-GC and the Downtown District and propose appropriate revisions thereto.

**DT-CMU*
This Emergency Ordinance to Impose a Moratorium on new residential development in the DT-GC District is effective immediately and shall remain in force until August 14, 2016.

This 16 day of May, 2016.


RHONDA L. PEZZELLO, CLERK
CITY OF WOODSTOCK


DONNIE HENRIQUES, MAYOR
CITY OF WOODSTOCK, GEORGIA

Approved as to form:


ELDON L. BASHAM
CITY ATTORNEY

DATE ADOPTED: 5-16-16, effective 5-16-16.

For Second Reading and Re-adoption 5-23-16.